

HOUSE BILL REPORT

SHB 1510

As Passed Legislature

Title: An act relating to the disclosure of confidential information on birth certificates.

Brief Description: Regarding disclosure of confidential information on birth certificates.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Ross, Klippert and Johnson).

Brief History:

Committee Activity:

Health Care & Wellness: 2/10/09, 2/20/09 [DPS].

Floor Activity

Passed House: 3/3/09, 97-0.

Passed Senate: 4/1/09, 46-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Provides that an individual may view the confidential section of their own birth certificate without first obtaining a court order.
- Declares that confidential information provided to the individual must not include information on the individual's mother or father.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey, Campbell, Clibborn, Green, Herrera, Hinkle, Kelley, Moeller, Morrell and Pedersen.

Staff: Kyle Gotchy (786-7119) and Chris Cordes (786-7103).

Background:

Vital Records and Birth Certificates.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Vital records are records of birth, death, fetal death, marriage, dissolution, annulment, and legal separation, as maintained under the supervision of the state registrar of vital statistics at the Department of Health (DOH). State law requires that certificates containing vital statistics include, at a minimum, the items recommended by the National Center for Health Statistics (NCHS). The DOH uses a standard live birth form, developed by the NCHS and the U.S.

Department of Health and Human Services as the basis for the state certificate. The non-confidential, public portion of a birth certificate contains information including: the mother's Social Security number; the county of birth; whether a Social Security number was requested for the child; and the name of the birth facility. Certified copies of birth certificates are available through the state registrar or local deputy registrar.

Confidential Information.

Under state law, certain sections of a certificate of live birth are not subject to public inspection, nor may they be included on certified copies of the record except upon court order. The Washington State Board of Health (Board) is authorized to require the inclusion within birth certificates of any additional information relative to the birth and manner of delivery as may be deemed necessary for statistical study. In addition to the federally established standard, the Board requires 11 additional pieces of information, each contained within the certificate's confidential section. The table below lists a sampling of the approximately 50 items of statistical information contained in the confidential sections of a Washington birth certificate and the applicable differences between the state and federal standard:

Item Number	Item Name	Difference from U.S. Standard, if any
15	Is mother married to the father? If no, was mother married to anyone during the pregnancy? Has the paternity affidavit been signed?	Additional state requirement
20	Mother's education	Add: "Specify": next to box for "8th Grade or less"
21	Mother of Hispanic origin?	(same)
22	Mother's race	(same)
23	Mother's occupation	Additional state requirement
24	Mother's kind of business/ industry	Additional state requirement
29	Father's education	Add "Specify": next to box for "8th Grade or less"
39	Cigarette smoking before and during pregnancy?	(same)

46	Principal source of payment for this delivery	Add "Indian Health" and "CHAMPUS"
49	Infant head circumference	Added
59	Infections present and/or treated during pregnancy	Add "HIV infection" and "Other: Specify"

Public Requests for Research Purposes.

A person may request and receive vital records information without personal identifiers (e.g., names and addresses) for research purposes or statistical study where certain conditions are met in order to safeguard the confidentiality of the records. If a person requests birth certificate confidential information with personal identifiers for research purposes, however, he or she must obtain approval through a standing human research review board.

Summary of Substitute Bill:

An individual may review, without a court order, the confidential section of his or her own birth certificate. The person's request is subject to the confirmation of his or her identity in a manner approved by the Washington State Board of Health.

Confidential information provided to the individual who is the subject of the birth certificate must be limited to information on the child and must not include information on the mother or father.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Although the information contained within the confidential portion of a birth record agitates certain privacy concerns, that data should be made available to the subject of the record. There is room for adjustments in order to protect the privacy of an adopted child's biological parents and the interested parties are willing to work together in order to find a mutually agreeable solution.

(Opposed) None.

Persons Testifying: Representative Ross, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.